

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 90
PROPOSED COMMITTEE SUBSTITUTE S90-CSBQa-28 [v.11]
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Short Title: Modify Handgun Permits.

(Public)

Sponsors:

Referred to:

February 20, 2019

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE PISTOL PURCHASE AND CONCEALED HANDGUN PERMIT
STATUTES.

The General Assembly of North Carolina enacts:

PART I. MODIFY PISTOL PURCHASE AND CONCEALED CARRY HANDGUN PERMITS.

SECTION 1.(a) G.S. 14-402 reads as rewritten:

"§ 14-402. Sale of certain weapons without permit forbidden.

(a) It is unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol ~~unless: (i) a license or permit is first obtained under this Article by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides; or (ii) a valid North Carolina concealed or pistol suitable for firing blank cartridges unless a valid handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase.~~ purchase or transfer.

It is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol without having in his or ~~their~~ her possession and without exhibiting at the time of the delivery of the same and to the person delivering the ~~same same, the permit from the sheriff as provided in G.S. 14-403.~~ a valid handgun permit issued by the sheriff under Article 54B of this Chapter. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor.

(a1) Nothing in this section shall apply to officers authorized by law to carry firearms if the officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and provide any of the following:

- (1) A letter signed by the officer's supervisor or superior officer stating that the officer is authorized by law to carry a firearm.
- (2) A current photographic identification card issued by the officer's employer.
- (3) A current photographic identification card issued by a State agency that identifies the individual as a law enforcement officer or a probation and parole officer certified by the State of North Carolina.
- (4) A current identification card issued by the officer's employer and another form of current photographic identification.

(b) This section does not apply to an antique firearm or an historic edged weapon.

(c) The following definitions apply in this Article:

- (1) Antique firearm. – Defined in G.S. 14-409.11.



(2), (3) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011.

(4) Historic edged weapon. – Defined in G.S. 14-409.12.

(5) through (7) Repealed by Session Laws 2011-56, s. 1, effective April 28, 2011."

SECTION 1.(b) G.S. 14-403, G.S. 14-404, G.S. 14-405, and G.S. 14-407.1 are repealed.

SECTION 1.(c) Article 54B of Chapter 14 of the General Statutes reads a rewritten:
"Article 54B.

"~~Concealed~~ Handgun Permit.

"§ 14-415.10. Definitions.

The following definitions apply to this Article:

(1) Carry a concealed handgun. – The term includes possession of a concealed handgun.

(2) Class A handgun permit. – A permit issued in accordance with the provisions this Article that authorizes a person to:

a. Purchase or lawfully receive a handgun in accordance with the laws of this State.

b. Carry a concealed handgun in accordance with the laws of this State.

(3) Class B handgun permit. – A permit issued in accordance with the provisions this Article that authorizes a person to purchase or lawfully receive a handgun in accordance with the laws of this State.

~~(1a)~~(4) Deployed or deployment. – Any military duty that removes a military permittee from the permittee's county of residence during which time the permittee's permit expires or will expire.

~~(2)~~(5) Handgun. – A firearm that has a short stock and is designed to be held and fired by the use of a single hand.

~~(2a)~~(6) Military permittee. – A person who holds a permit who is also a member of the Armed Forces of the United States, the reserve components of the Armed Forces of the United States, the North Carolina Army National Guard, or the North Carolina Air National Guard.

~~(3)~~(7) Permit. – A ~~concealed~~ handgun permit issued in accordance with the provisions of this Article.

~~(3a)~~(8) Proof of deployment. – A copy of the military permittee's deployment orders or other written notification from the permittee's command indicating the start and end date of deployment and that orders the permittee to travel outside the permittee's county of residence.

~~(4)~~(9) Qualified former sworn law enforcement officer. – An individual who retired from service as a law enforcement officer with a local, State, campus police, or company police agency in North Carolina, other than for reasons of mental disability, who has been retired as a sworn law enforcement officer two years or less from the date of the permit application, and who satisfies all of the following:

a. Immediately before retirement, the individual was a qualified law enforcement officer with a local, State, or company police agency in North Carolina.

b. The individual has a nonforfeitable right to benefits under the retirement plan of the local, State, or company police agency as a law enforcement officer; or has 20 or more aggregate years of law enforcement service and has retired from a company police agency that does not have a retirement plan; or has 20 or more aggregate years of part-time or auxiliary law enforcement service.

- 1 c. The individual is not prohibited by State or federal law from receiving
2 a firearm.
- 3 ~~(4a)~~(10) Qualified retired correctional officer. – An individual who retired from
4 service as a State correctional officer, other than for reasons of mental
5 disability, who has been retired as a correctional officer two years or less from
6 the date of the permit application and who meets all of the following criteria:
- 7 a. Immediately before retirement, the individual met firearms training
8 standards of the Division of Adult Correction and Juvenile Justice of
9 the Department of Public Safety and was authorized by the Division
10 of Adult Correction and Juvenile Justice of the Department of Public
11 Safety to carry a handgun in the course of assigned duties.
- 12 b. The individual retired in good standing and was never a subject of a
13 disciplinary action by the Division of Adult Correction and Juvenile
14 Justice of the Department of Public Safety that would have prevented
15 the individual from carrying a handgun.
- 16 c. The individual has a vested right to benefits under the Teachers' and
17 State Employees' Retirement System of North Carolina established
18 under Article 1 of Chapter 135 of the General Statutes.
- 19 d. The individual is not prohibited by State or federal law from receiving
20 a firearm.
- 21 ~~(4b)~~(11) Qualified retired law enforcement officer. – An individual who meets the
22 definition of "qualified retired law enforcement officer" contained in section
23 926C of Title 18 of the United States Code.
- 24 ~~(4e)~~(12) Qualified retired probation or parole certified officer. – An individual who
25 retired from service as a State probation or parole certified officer, other than
26 for reasons of mental disability, who has been retired as a probation or parole
27 certified officer two years or less from the date of the permit application and
28 who meets all of the following criteria:
- 29 a. Immediately before retirement, the individual met firearms training
30 standards of the Division of Adult Correction and Juvenile Justice of
31 the Department of Public Safety and was authorized by the Division
32 of Adult Correction and Juvenile Justice of the Department of Public
33 Safety to carry a handgun in the course of duty.
- 34 b. The individual retired in good standing and was never a subject of a
35 disciplinary action by the Division of Adult Correction and Juvenile
36 Justice of the Department of Public Safety that would have prevented
37 the individual from carrying a handgun.
- 38 c. The individual has a vested right to benefits under the Teachers' and
39 State Employees' Retirement System of North Carolina established
40 under Article 1 of Chapter 135 of the General Statutes.
- 41 d. The individual is not prohibited by State or federal law from receiving
42 a firearm.
- 43 ~~(5)~~(13) Qualified sworn law enforcement officer. – A law enforcement officer
44 employed by a local, State, campus police, or company police agency in North
45 Carolina who satisfies all of the following:
- 46 a. The individual is authorized by the agency to carry a handgun in the
47 course of duty.
- 48 b. The individual is not the subject of a disciplinary action by the agency
49 that prevents the carrying of a handgun.
- 50 c. The individual meets the requirements established by the agency
51 regarding handguns.

1 **"§ 14-415.11. Class A handgun permit ~~Permit to carry concealed handgun~~; scope of**
2 **permit.**

3 (a) Any person who has a ~~concealed~~ Class A handgun permit may carry a concealed
4 handgun unless otherwise specifically prohibited by law. The person shall carry the permit
5 together with valid identification whenever the person is carrying a concealed handgun, shall
6 disclose to any law enforcement officer that the person holds a valid permit and is carrying a
7 concealed handgun when approached or addressed by the officer, and shall display both the
8 permit and the proper identification upon the request of a law enforcement officer. In addition to
9 these requirements, a military permittee whose permit has expired during deployment may carry
10 a concealed handgun during the 90 days following the end of deployment and before the permit
11 is renewed provided the permittee also displays proof of deployment to any law enforcement
12 officer.

13 (b) The sheriff shall issue a Class A handgun permit to carry a concealed handgun to a
14 person who qualifies for a permit under G.S. 14-415.12. The permit shall be valid throughout the
15 State for a period of ~~five~~ seven years from the date of issuance.

16 (c) Except as provided in G.S. 14-415.27, a Class A handgun permit does not authorize
17 a person to carry a concealed handgun in any of the following:

18 (1) Areas prohibited by G.S. 14-269.2, 14-269.3, and 14-277.2.

19 (2) Areas prohibited by G.S. 14-269.4, except as allowed under
20 ~~G.S. 14-269.4(6)~~ G.S. 14-269.4(b)(6).

21 (3) In an area prohibited by rule adopted under G.S. 120-32.1.

22 (4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.

23 (5) In a law enforcement or correctional facility.

24 (6) In a building housing only State or federal offices.

25 (7) In an office of the State or federal government that is not located in a building
26 exclusively occupied by the State or federal government.

27 (8) On any private premises where notice that carrying a concealed handgun is
28 prohibited by the posting of a conspicuous notice or statement by the person
29 in legal possession or control of the premises.

30 (c1) Any person who has a ~~concealed~~ Class A handgun permit may carry a concealed
31 handgun on the grounds or waters of a park within the State Parks System as defined in
32 G.S. 143B-135.44.

33 (c2) It shall be unlawful for a person, with or without a Class A handgun permit, to carry
34 a concealed handgun while consuming alcohol or at any time while the person has remaining in
35 the person's body any alcohol or in the person's blood a controlled substance previously
36 consumed, but a person does not violate this condition if a controlled substance in the person's
37 blood was lawfully obtained and taken in therapeutically appropriate amounts or if the person is
38 on the person's own property.

39 (c3) As provided in ~~G.S. 14-269.4(5)~~ G.S. 14-269.4(b)(5), it shall be lawful for a person
40 to carry any firearm openly, or to carry a concealed handgun with a ~~concealed carry~~ Class A
41 handgun permit, at any State-owned rest area, at any State-owned rest stop along the highways,
42 and at any State-owned hunting and fishing reservation.

43 (d) A person who is issued a Class A handgun permit shall notify the sheriff who issued
44 the permit of any change in the person's permanent address within 30 days after the change of
45 address. If a permit is lost or destroyed, the person to whom the permit was issued shall notify
46 the sheriff who issued the permit of the loss or destruction of the permit. A person may obtain a
47 duplicate permit by submitting to the sheriff a notarized statement that the permit was lost or
48 destroyed and paying the required duplicate permit fee.

49 **"§ 14-415.12. Criteria to qualify for the issuance of a permit.**

50 (a) The sheriff shall issue a Class B handgun permit to an applicant if the applicant
51 qualifies under the following criteria:

- 1 (1) The applicant is a citizen of the United States or has been lawfully admitted
2 for permanent residence as defined in 8 U.S.C. § 1101(a)(20), and has been a
3 resident of the State 30 days or longer immediately preceding the filing of the
4 application.
- 5 (2) The applicant is ~~24~~18 years of age or older.
- 6 (3) The applicant does not suffer from a physical or mental infirmity that prevents
7 the safe handling of a handgun.
- 8 (4) ~~The applicant has successfully completed an approved firearms safety and~~
9 ~~training course which involves the actual firing of handguns and instruction~~
10 ~~in the laws of this State governing the carrying of a concealed handgun and~~
11 ~~the use of deadly force. The North Carolina Criminal Justice Education and~~
12 ~~Training Standards Commission shall prepare and publish general guidelines~~
13 ~~for courses and qualifications of instructors which would satisfy the~~
14 ~~requirements of this subdivision. An approved course shall be any course~~
15 ~~which satisfies the requirements of this subdivision and is certified or~~
16 ~~sponsored by:~~
- 17 a. ~~The North Carolina Criminal Justice Education and Training Standards~~
18 ~~Commission,~~
- 19 b. ~~The National Rifle Association, or~~
- 20 c. ~~A law enforcement agency, college, private or public institution or~~
21 ~~organization, or firearms training school, taught by instructors certified by the~~
22 ~~North Carolina Criminal Justice Education and Training Standards~~
23 ~~Commission or the National Rifle Association.~~
- 24 ~~Every instructor of an approved course shall file a copy of the firearms course~~
25 ~~description, outline, and proof of certification annually, or upon modification~~
26 ~~of the course if more frequently, with the North Carolina Criminal Justice~~
27 ~~Education and Training Standards Commission.~~ The applicant is of good
28 moral character as determined by the sheriff. For purposes of determining an
29 applicant's good moral character to receive a permit, the sheriff shall only
30 consider an applicant's criminal history for the five-year period immediately
31 preceding the date of the application.
- 32 (5) The applicant is not disqualified under subsection (b) of this section.
- 33 (a1) The sheriff shall issue a Class A handgun permit to an applicant if the applicant
34 qualifies under the following criteria:
- 35 (1) The applicant is 21 years of age or older.
- 36 (2) The applicant qualifies for a Class B permit under this section.
- 37 (3) The applicant has successfully completed an approved firearms safety and
38 training course which involves the actual firing of handguns and instruction
39 in the laws of this State governing the carrying of a concealed handgun and
40 the use of deadly force. The North Carolina Criminal Justice Education and
41 Training Standards Commission shall prepare and publish general guidelines
42 for courses and qualifications of instructors which would satisfy the
43 requirements of this subdivision. An approved course shall be any course
44 which satisfies the requirements of this subdivision and is certified or
45 sponsored by:
- 46 a. The North Carolina Criminal Justice Education and Training
47 Standards Commission,
- 48 b. The National Rifle Association, or
- 49 c. A law enforcement agency, college, private or public institution or
50 organization, or firearms training school, taught by instructors

certified by the North Carolina Criminal Justice Education and Training Standards Commission or the National Rifle Association.

Every instructor of an approved course shall file a copy of the firearms course description, outline, and proof of certification annually, or upon modification of the course if more frequently, with the North Carolina Criminal Justice Education and Training Standards Commission.

~~uctors certified by the North Carolina Criminal Justice Education and Training~~

(a2) Nothing in this section shall be construed as authorizing the holder of a Class B handgun permit to carry a concealed handgun pursuant to G.S. 14-415.11. A Class B handgun permit shall be valid throughout the State for a period of seven years from the date of issuance.

(b) The sheriff shall deny a permit to an applicant who:

- (1) Is ineligible to own, possess, or receive a firearm under the provisions of State or federal law.
- (2) Is under indictment or against whom a finding of probable cause exists for a felony.
- (3) Has been adjudicated guilty in any court of a felony, unless: (i) the felony is an offense that pertains to antitrust violations, unfair trade practices, or restraints of trade, or (ii) the person's firearms rights have been restored pursuant to G.S. 14-415.4.
- (4) Is a fugitive from justice.
- (5) Is an unlawful user of, or addicted to marijuana, alcohol, or any depressant, stimulant, or narcotic drug, or any other controlled substance as defined in 21 U.S.C. § 802.
- (6) Is currently, or has been previously adjudicated by a court or administratively determined by a governmental agency whose decisions are subject to judicial review to be, lacking mental capacity or mentally ill. Receipt of previous consultative services or outpatient treatment alone shall not disqualify an applicant under this subdivision.
- (7) Is or has been discharged from the Armed Forces of the United States under conditions other than honorable.
- (8) Except as provided in subdivision (8a), (8b), or (8c) of this section, is or has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more crimes of violence constituting a misdemeanor, including but not limited to, a violation of a misdemeanor under Article 8 of Chapter 14 of the General Statutes except for a violation of G.S. 14-33(a), or a violation of a misdemeanor under G.S. 14-226.1, 4-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-277, 14-277.1, 14-277.2, 14-283 except for a violation involving fireworks exempted under G.S. 14-414, 14-288.2, 14-288.4(a)(1), 14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14, 14-415.21(b), or 14-415.26(d) within three years prior to the date on which the application is submitted.
- (8a) Is or has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more crimes of violence constituting a misdemeanor under G.S. 14-33(c)(1), 14-33(c)(2), 14-33(c)(3), 14-33(d), 14-277.3A, 14-318.2, 14-134.3, 50B-4.1, or former G.S. 14-277.3.
- (8b) Is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g) as a result of a conviction of a misdemeanor crime of domestic violence.
- (8c) Has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more crimes involving an assault or a threat to assault a law enforcement officer, probation or parole officer, person

employed at a State or local detention facility, firefighter, emergency medical technician, medical responder, or emergency department personnel.

(9) Has had entry of a prayer for judgment continued for a criminal offense which would disqualify the person from obtaining a concealed handgun permit.

(10) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime which would disqualify him from obtaining a concealed handgun permit.

(11) Has been convicted of an impaired driving offense under G.S. 20-138.1, 20-138.2, or 20-138.3 within three years prior to the date on which the application is submitted.

(c) An applicant shall not be ineligible to receive a ~~concealed-carry~~ permit under subdivision (6) of subsection (b) of this section because of an adjudication of mental incapacity or illness or an involuntary commitment to mental health services if the individual's rights have been restored under G.S. 14-409.42.

"§ 14-415.12A. Firearms safety and training course exemption for qualified sworn law enforcement officers and certain other persons.

(a) A person who is a qualified sworn law enforcement officer, a qualified former sworn law enforcement officer, a qualified retired correctional officer, or a qualified retired probation or parole certified officer is deemed to have satisfied the requirement under G.S. 14-415.12(a)(4) that an applicant successfully complete an approved firearms safety and training course.

(a1) An individual who is a qualified retired law enforcement officer and has met the standards, as approved by the North Carolina Criminal Justice Education and Training Standards Commission, for handgun qualification for active law enforcement officers within the last 12 months is deemed to have satisfied the requirement under G.S. 14-415.12(a)(4) that an applicant successfully complete an approved firearms safety and training course.

(b) A person who is licensed or registered by the North Carolina Private Protective Services Board under Article 1 of Chapter 74C of the General Statutes as an armed security guard, who also has a firearm registration permit issued by the Board in compliance with G.S. 74C-13, is deemed to have satisfied the requirement under G.S. 14-415.12(a)(4) that an applicant successfully complete an approved firearms safety and training course.

"§ 14-415.13. Application for a permit; fingerprints.

(a) A person shall apply to the sheriff of the county in which the person resides to obtain a ~~concealed handgun permit~~ permit under this Article. The applicant shall submit to the sheriff all of the following:

(1) An application, completed under oath, on a form provided by the sheriff, and such application form must be provided by the sheriff electronically. The sheriff shall not request employment information, character affidavits, additional background checks, photographs, or other information unless specifically permitted by this Article.

(2) A nonrefundable permit fee.

(3) A full set of fingerprints of the applicant administered by the sheriff.

(4) An original certificate of completion of an approved course, adopted and distributed by the North Carolina Criminal Justice Education and Training Standards Commission, signed by the certified instructor of the course attesting to the successful completion of the course by the applicant which shall verify that the applicant is competent with a handgun and knowledgeable about the laws governing the carrying of a concealed handgun and the use of deadly ~~force~~ force if the applicant is applying for a Class A handgun permit.

(5) A release, in a form to be prescribed by the Administrative Office of the Courts, that authorizes and requires disclosure to the sheriff of any records concerning the mental health or capacity of the applicant to be used for the

sole purpose of determining whether the applicant is disqualified for a permit under the provisions of G.S. 14-415.12. This provision does not prohibit submitting information related to involuntary commitment to the National Instant Criminal Background Check System (NICS).

(b) The sheriff shall submit the fingerprints to the State Bureau of Investigation for a records check of State and national databases. The State Bureau of Investigation shall submit the fingerprints to the Federal Bureau of Investigation as necessary. The sheriff shall determine the criminal and background history of an applicant also by conducting a check through the National Instant Criminal Background Check System (NICS). The cost of processing the set of fingerprints shall be charged to an applicant as provided by G.S. 14-415.19.

"§ 14-415.14. Application form to be provided by sheriff; information to be included in application form.

(a) The sheriff shall make permit applications readily available at the office of the sheriff or at other public offices in the sheriff's jurisdiction. The permit application shall be in triplicate, in a form to be prescribed by the State Bureau of Investigation, and shall include the following information with regard to the applicant: name, address, physical description, signature, date of birth, social security number, military status, law enforcement status, and the drivers license number or State identification card number of the applicant if used for identification in applying for the permit. The application form shall require every applicant to indicate which class of permit the applicant is applying.

(b) The permit application shall also contain a warning substantially as follows:

"CAUTION: Federal law and State law on the possession of handguns and firearms may differ. If you are prohibited by federal law from possessing a handgun or a firearm, you may be prosecuted in federal court. A State permit is not a defense to a federal prosecution."

(c) Any person or entity who is presented by the applicant or by the sheriff with an original or photocopied release form as described in G.S. 14-415.13(a)(5) shall promptly disclose to the sheriff any records concerning the mental health or capacity of the applicant who signed the form and authorized the release of the records.

"§ 14-415.15. Issuance or denial of permit.

(a) ~~Except as permitted under subsection (b) of this section, within 45 days after receipt of the items listed in G.S. 14-415.13 from an applicant, and receipt of the required records concerning the mental health or capacity of the applicant, the sheriff shall either issue or deny the permit.~~ Except as permitted under subsection (b) of this section, upon receipt of the items listed in G.S. 14-415.13 from the applicant, and receipt of the required records concerning the mental health or capacity of the applicant, the sheriff shall either issue or deny a permit (i) within 30 days for a Class A handgun permit or (ii) within 10 days for a Class B handgun permit. The sheriff may conduct any investigation necessary to determine the qualification or competency of the person applying for ~~the permit,~~ a permit under this Article, including record checks. The sheriff shall make the request for any records concerning the mental health or capacity of the applicant within ~~10 days~~ five days of receipt of the items listed in G.S. 14-415.13. No person, company, mental health provider, or governmental entity may charge additional fees to the applicant for background checks conducted under this subsection. A permit shall not be denied unless the applicant is determined to be ineligible pursuant to ~~G.S. 14-415.12,~~ the provisions of this Article.

(b) Upon presentment to the sheriff of the items required under G.S. 14-415.13 (a)(1), (2), and (3), the sheriff may issue a temporary permit for a period not to exceed 45 days to a person who the sheriff reasonably believes is in an emergency situation that may constitute a risk of safety to the person, the person's family or property. The applicant may submit proof of a protective order issued under G.S. 50B-3 for the protection of the applicant as evidence of an emergency situation. The temporary permit may not be renewed and may be revoked by the sheriff without a hearing.

(c) A person's application for a permit shall be denied only if the applicant fails to qualify under the criteria listed in this Article. If the sheriff denies the application for a permit, the sheriff shall, within 45 days, notify the applicant in writing, stating the grounds for denial. An applicant may appeal the denial, revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the application was filed. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal. ~~The determination by the court shall be final.~~

"§ 14-415.16. Renewal of permit.

(a) At least 45 days prior to the expiration date of a permit, the sheriff of the county where the permit was issued shall send a written notice to the permittee explaining that the permit is about to expire and including information about the requirements for renewal of the permit. The notice shall be sent by first class mail to the last known address of the permittee. Failure to receive a renewal notice shall not relieve a permittee of requirements imposed in this section for renewal of the permit.

(b) The holder of a permit shall apply to renew the permit within the 90-day period prior to its expiration date by filing with the sheriff of the county in which the person resides a renewal form provided by the sheriff's office, an affidavit stating that the permittee remains qualified under the criteria provided in this Article, a newly administered full set of the permittee's fingerprints, and a renewal fee.

(c) Upon receipt of the completed renewal application and the appropriate payment of fees, the sheriff shall determine if the permittee remains qualified to hold a permit in accordance with the provisions of ~~G.S. 14-415.12~~ of this Article. The permittee's criminal history shall be updated, including with another inquiry of the National Instant Criminal Background Check System (NICS), ~~and the (NICS)~~. If the permittee applies for renewal of a Class A handgun permit, the sheriff may waive the requirement of taking another firearms safety and training course. If the permittee applies for a renewal of the permit within the 90-day period prior to its expiration date and if the permittee remains qualified to have a permit under G.S. 14-415.12, the provisions of this Article, the sheriff shall renew the permit. The permit of a permittee who complies with this section shall remain valid beyond the expiration date of the permit until the permittee either receives a renewal permit or is denied a renewal permit by the sheriff.

(d) No fingerprints shall be required for a renewal permit if the applicant's fingerprints were submitted to the State Bureau of Investigation after June 30, 2001, on the Automated Fingerprint Information System (AFIS) as prescribed by the State Bureau of Investigation.

(e) ~~If the permittee a Class A handgun permittee~~ does not apply to renew the permit prior to its expiration date, but does apply to renew the permit within 60 days after the permit expires, the sheriff may waive the requirement of taking another firearms safety and training course. This subsection does not extend the expiration date of the permit.

"§ 14-415.16A. Permit extensions and renewals for deployed military permittees.

(a) A deployed military permittee whose permit will expire during the permittee's deployment, or the permittee's agent, may apply to the sheriff for an extension of the military permittee's permit by providing the sheriff with a copy of the permittee's proof of deployment. Upon receipt of the proof, the sheriff shall extend the permit for a period to end 90 days after the permittee's deployment is scheduled to end. A permit that has been extended under this section shall be valid throughout the State during the period of its extension.

(b) A military permittee's permit that is not extended under subsection (a) of this section and that expires during deployment shall remain valid during the deployment and for 90 days after the end of the deployment as if the permit had not expired. ~~The A military permittee holding a Class A handgun permit~~ may carry a concealed handgun during this period provided the permittee meets all the requirements of G.S. 14-415.11(a).

(c) A military permittee under subsection (a) or subsection (b) of this section shall have 90 days after the end of the permittee's deployment to renew the permit. In addition to the

requirements of G.S. 14-415.16, the permittee shall provide to the sheriff proof of deployment. The sheriff shall renew the permit upon receipt of this documentation provided the permittee otherwise remains qualified to hold a ~~concealed handgun~~ the permit.

§ 14-415.17. Permit; sheriff to retain a list of permittees; confidentiality of list and permit application information; availability to law enforcement agencies.

(a) The permit shall be in a certificate form, as prescribed by the State Bureau of Investigation, that is approximately the size of a North Carolina drivers license. Each permit shall conspicuously indicate whether it is a Class A or Class B handgun permit, along with the ~~It shall bear the~~ signature, name, address, date of birth, and the drivers license identification number used in applying for the permit.

(b) The sheriff shall maintain a listing, including the identifying information, of those persons who are issued a permit. Within five days of the date a permit is issued, the sheriff shall send a copy of the permit to the State Bureau of Investigation.

(c) Except as ~~provided otherwise~~ otherwise provided by this subsection, the list of permit holders and the information collected by the sheriff to process an application for a permit are confidential and are not a public record under G.S. 132-1. The sheriff shall make the list of permit holders and the permit information available upon request to all State and local law enforcement agencies. The State Bureau of Investigation shall make the list of permit holders and the information collected by the sheriff to process an application for a permit available to law enforcement officers and clerks of court on a statewide system.

"§ 14-415.18. Revocation or suspension of permit.

(a) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides may revoke a permit subsequent to a hearing for any of the following reasons:

- (1) Fraud or intentional and material misrepresentation in the obtaining of a permit.
- (2) Misuse of a permit, including lending or giving a permit or a duplicate permit to another person, materially altering a permit, or using a permit with the intent to unlawfully cause harm to a person or property. It shall not be considered misuse of a permit to provide a duplicate of the permit to a vender for record-keeping purposes.
- (3) The doing of an act or existence of a condition which would have been grounds for the denial of the permit by the sheriff.
- (4) The violation of any of the terms of this Article.
- (5) Repealed by Session Laws 2013-369, s. 20, effective October 1, 2013.

A permittee may appeal the revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the applicant resides. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal.

(a1) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides shall revoke a permit of any permittee who is adjudicated guilty of or receives a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit. Upon determining that a permit should be revoked pursuant to this subsection, the sheriff shall provide written notice to the permittee, pursuant to the provisions of G.S. 1A-1, Rule 4(j), that the permit is revoked upon the service of the notice. The notice shall provide the permittee with information on the process to appeal the revocation.

Upon receipt of the written notice of revocation, the permittee shall surrender the permit to the sheriff. Any law enforcement officer serving the notice is authorized to take immediate possession of the permit from the permittee. If the notice is served by means other than by a law enforcement officer, the permittee shall surrender the permit to the sheriff no later than 48 hours after service of the notice.

1 A permittee may appeal the revocation of a permit pursuant to this subsection by petitioning
2 a district court judge of the district in which the permittee resides. The determination by the court,
3 on appeal, shall be limited to whether the permittee was adjudicated guilty of or received a prayer
4 for judgment continued for a crime which would have disqualified the permittee from initially
5 receiving a permit. Revocation of the permit is not stayed pending appeal.

6 (b) The court may suspend a permit as part of and for the duration of any orders permitted
7 under Chapter 50B of the General Statutes.

8 **§ 14-415.19. Fees.**

9 (a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall
10 transmit the proceeds of these fees to the county finance officer to be ~~remitted or~~ credited by the
11 county finance officer in accordance with the provisions of this section. Except as otherwise
12 provided by this section, the permit fees are as follows:

13	
14	Application <u>or renewal</u> fee \$80.00 <u>\$25.00</u>
15	Renewal fee <u>\$75.00</u>
16	Duplicate permit fee <u>\$15.00</u>
17	

18 ~~The county finance officer shall remit forty five dollars (\$45.00) of each new application fee~~
19 ~~and forty dollars (\$40.00) of each renewal fee assessed under this subsection to the North~~
20 ~~Carolina Department of Public Safety for the costs of State and federal criminal record checks~~
21 ~~performed in connection with processing applications and for the implementation of the~~
22 ~~provisions of this Article. The remaining thirty five dollars (\$35.00) of each~~ Each ~~application or~~
23 ~~renewal fee shall be used by the sheriff to pay the costs of administering this Article and for other~~
24 ~~law enforcement purposes. The county shall expend the restricted funds for these purposes only.~~

25 (a1) ~~The permit fees for a retired sworn law enforcement officer who provides the~~
26 ~~information required by subdivisions (1) and (2) of this subsection to the sheriff, in addition to~~
27 ~~any other information required under this Article, are as follows:~~ In addition to any other
28 information required pursuant to this Article, a retired sworn law enforcement officer shall not
29 be required to pay a permit fee if the officer provides to the sheriff each of the following:

30	
31	Application fee <u>\$45.00</u>
32	Renewal fee <u>\$40.00</u>
33	

- 34 (1) A copy of the officer's letter of retirement from either the North Carolina
35 Teachers' and State Employees' Retirement System or the North Carolina
36 Local Governmental Employees' Retirement System.
- 37 (2) Written documentation from the head of the agency where the person was
38 previously employed indicating that the person was neither involuntarily
39 terminated nor under administrative or criminal investigation within six
40 months of retirement.

41 ~~The county finance officer shall remit the proceeds of the fees assessed under this subsection~~
42 ~~to the North Carolina Department of Public Safety to cover the cost of performing the State and~~
43 ~~federal criminal record checks performed in connection with processing applications and for the~~
44 ~~implementation of the provisions of this Article.~~

45 (b) An additional fee, not to exceed ten dollars (\$10.00), shall be collected by the sheriff
46 from an applicant for a permit to pay for the costs of processing the applicant's fingerprints, if
47 fingerprints were required to be taken. This fee shall be retained by the sheriff. No fees other than
48 those provided for in this section shall be charged for a permit under this Article.

49 **"§ 14-415.20. No liability of sheriff.**

1 A sheriff who issues or refuses to issue a permit ~~to carry a concealed handgun~~ under this
2 Article shall not incur any civil or criminal liability as the result of the performance of the sheriff's
3 duties under this Article.

4 **"§ 14-415.21. Violations of this Article punishable as an infraction.**

5 (a) A person who has been issued a valid ~~permit~~ Class A handgun permit who is found
6 to be carrying a concealed handgun without the ~~permit~~ Class A handgun permit in the person's
7 possession or who fails to disclose to any law enforcement officer that the person holds a valid
8 ~~permit~~ Class A handgun permit and is carrying a concealed handgun, as required by
9 G.S. 14-415.11, shall be guilty of an infraction and shall be punished in accordance with
10 G.S. 14-3.1. Any person who has been issued a valid ~~permit~~ Class A handgun permit who is
11 found to be carrying a concealed handgun in violation of G.S. 14-415.11(c)(8) shall be guilty of
12 an infraction and may be required to pay a fine of up to five hundred dollars (\$500.00). In lieu of
13 paying a fine the person may surrender the permit.

14 (a1) A person who has been issued a valid ~~permit~~ Class A handgun permit who is found
15 to be carrying a concealed handgun in violation of subsection (c2) of G.S. 14-415.11 shall be
16 guilty of a Class 1 misdemeanor.

17 (b) A person who violates the provisions of this Article other than as set forth in
18 subsection (a) or (a1) of this section is guilty of a Class 2 misdemeanor.

19 **"§ 14-415.22. Construction of Article.**

20 ~~This~~ The provisions of this Article shall not be construed to require a person who may carry
21 a concealed handgun under the provisions of G.S. 14-269(b) to obtain a ~~concealed handgun~~
22 ~~permit~~ Class A handgun permit. The provisions of this Article shall not apply to a person who
23 may lawfully carry a concealed weapon or handgun pursuant to G.S. 14-269(b). A person who
24 may lawfully carry a concealed weapon or handgun pursuant to G.S. 14-269(b) shall not be
25 prohibited from carrying the concealed weapon or handgun on property on which a notice is
26 posted prohibiting the carrying of a concealed handgun, unless otherwise prohibited by statute.

27 **"§ 14-415.23. Statewide uniformity.**

28 (a) It is the intent of the General Assembly to prescribe a uniform system for the
29 regulation of legally carrying a concealed handgun. To insure uniformity, no political
30 subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal
31 corporation, town, township, village, nor any department or agency thereof, may enact
32 ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of local
33 government may adopt an ordinance to ~~permit~~ authorize the posting of a prohibition against
34 carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government
35 buildings and their appurtenant premises.

36 (b) A unit of local government may adopt an ordinance to prohibit, by posting, the
37 carrying of a concealed handgun on municipal and county recreational facilities that are
38 specifically identified by the unit of local government. If a unit of local government adopts such
39 an ordinance with regard to recreational facilities, then ~~the concealed handgun permittee~~ a Class
40 A handgun permittee may, nevertheless, secure the handgun in a locked vehicle within the trunk,
41 glove box, or other enclosed compartment or area within or on the motor vehicle.

42 (c) For purposes of this section, the term "recreational facilities" includes only the
43 following:

- 44 (1) An athletic field, including any appurtenant facilities such as restrooms,
45 during an organized athletic event if the field had been scheduled for use with
46 the municipality or county office responsible for operation of the park or
47 recreational area.
- 48 (2) A swimming pool, including any appurtenant facilities used for dressing,
49 storage of personal items, or other uses relating to the swimming pool.
- 50 (3) A facility used for athletic events, including, but not limited to, a gymnasium.

(d) For the purposes of this section, the term "recreational facilities" does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an "athletic field" pursuant to subdivision (1) of subsection (c) of this section, and any other area that is not specifically described in subsection (c) of this section.

(e) A person adversely affected by any ordinance, rule, or regulation promulgated or caused to be enforced by any unit of local government in violation of this section may bring an action for declaratory and injunctive relief and for actual damages arising from the violation. The court shall award the prevailing party in an action brought under this subsection reasonable attorneys' fees and court costs as authorized by law.

"§ 14-415.24. Reciprocity; out-of-state ~~handgun permits~~ concealed handgun permits.

(a) A valid ~~concealed handgun~~ permit or license to carry a concealed handgun issued by another state is valid in North Carolina.

(b) Repealed by Session Laws 2011-268, s. 22(a), effective December 1, 2011.

(c) Every 12 months after the effective date of this subsection, the Department of Justice shall make written inquiry of the concealed handgun permitting authorities in each other state as to: (i) whether a North Carolina resident may carry a concealed handgun in their state based upon having a valid North Carolina ~~concealed~~ Class A handgun permit and (ii) whether a North Carolina resident may apply for a concealed handgun permit in that state based upon having a valid North Carolina ~~concealed~~ Class A handgun permit. The Department of Justice shall attempt to secure from each state permission for North Carolina residents who hold a valid North Carolina ~~concealed handgun permit~~ Class A handgun permit to carry a concealed handgun in that state, either on the basis of the North Carolina ~~permit~~ Class A handgun permit or on the basis that the North Carolina ~~permit~~ Class A handgun permit is sufficient to ~~permit~~ authorize the issuance of a similar license or permit by the other state.

"§ 14-415.25. Exemption from permit requirement.

Law enforcement officers and qualified retired law enforcement officers authorized by federal law to carry a concealed handgun pursuant to section 926B or 926C of Title 18 of the United States Code, who are in compliance with the requirements of those sections, are exempt from obtaining ~~the permit described in G.S. 14-415.11~~ a permit required under this Article.

§ 14-415.26. Class A handgun permit; Certification of qualified retired law enforcement officers.

(a) In lieu of obtaining a Class A handgun permit under this Article, a qualified retired law enforcement officer may apply to the North Carolina Criminal Justice Education and Training Standards Commission for certification. The application shall include all of the following:

- (1) Verification of completion of the firearms qualification criteria established by the Commission.
- (2) Photographic identification indicating retirement status issued by the agency from which the applicant retired from service.
- (3) Any other application information required by the Commission.

(b) The Commission shall include with the certification a notice of the limitations applicable under federal or State law to the concealed carry of firearms in this State. The failure to receive a notification under this subsection shall not be a defense to any offense or violation of applicable State or federal laws.

(b1) The Commission shall coordinate with local and State law enforcement officers and with the community college system to provide multiple firearms qualification sites throughout the State where a qualified retired law enforcement officer may satisfy the firearms qualification criteria required for certification under this section.

(c) The Commission shall not incur any civil or criminal liability as the result of the performance of its duties under this section.

(d) It shall be unlawful for an applicant, or any person assisting an applicant, to make a willful and intentional misrepresentation on any form or application submitted to the Commission. A violation of this subsection shall be a Class 2 misdemeanor, and shall result in the immediate revocation of any certification issued by the Commission. A person convicted under this subsection shall be ineligible for certification under this section, or from obtaining a concealed carry permit under State law.

(e) This section shall not exempt any individual engaged in the private protective services profession in this State from fulfilling the registration and training requirements in Chapter 74C of the General Statutes.

§ 14-415.27. Expanded ~~permit~~ Class A handgun permit scope for certain persons.

Notwithstanding G.S. 14-415.11(c), any of the following persons who has a ~~concealed handgun permit~~ Class A handgun permit issued pursuant to this Article or that is considered valid under G.S. 14-415.24 is not subject to the area prohibitions set out in G.S. 14-415.11(c) and may carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law:

- (1) A district attorney.
- (2) An assistant district attorney.
- (3) An investigator employed by the office of a district attorney.
- (4) A North Carolina district or superior court judge.
- (5) A magistrate.
- (6) A person who is elected and serving as a clerk of court.
- (7) A person who is elected and serving as a register of deeds.
- (8) A person employed by the Department of Public Safety who has been designated in writing by the Secretary of the Department and who has in the person's possession written proof of the designation.
- (9) A North Carolina administrative law judge."

PART II. CLARIFYING AND CONFORMING CHANGES TO HANDGUN STATUTES.

SECTION 2.(a) G.S. 14-269 reads as rewritten:

"§ 14-269. Carrying concealed weapons.

(a) It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, or other deadly weapon of like kind, except when the person is on the person's own premises.

(a1) It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any pistol or gun except in the following circumstances:

- (1) The person is on the person's own premises.
- (2) The deadly weapon is a handgun, the person has a ~~concealed~~ Class A handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, and the person is carrying the concealed handgun in accordance with the scope of the ~~concealed handgun~~ permit as set out in G.S. 14-415.11(c).
- (3) The deadly weapon is a handgun and the person is a military permittee as defined under ~~G.S. 14-415.10(2a)~~ G.S. 14-415.10(6) who provides to the law enforcement officer proof of deployment as required under G.S. 14-415.11(a).

(a2) This prohibition does not apply to a person who has a ~~concealed~~ Class A handgun permit issued in accordance with Article 54B of this Chapter, has a concealed handgun permit considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S. 14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the person's locked vehicle, and the vehicle is in a parking area that is owned or leased by

1 State government. A person may unlock the vehicle to enter or exit the vehicle, provided the
2 handgun remains in the closed compartment at all times and the vehicle is locked immediately
3 following the entrance or exit.

4 (b) This prohibition shall not apply to the following persons:

5 (1) Officers and enlisted personnel of the Armed Forces of the United States when
6 in discharge of their official duties as such and acting under orders requiring
7 them to carry arms and weapons;

8 (2) Civil and law enforcement officers of the United States;

9 (3) Officers and soldiers of the militia and the National Guard when called into
10 actual service;

11 (3a) A member of the North Carolina National Guard who has been designated in
12 writing by the Adjutant General, State of North Carolina, who has a ~~concealed~~
13 Class A handgun permit issued in accordance with Article 54B of this Chapter
14 or considered valid under G.S. 14-415.24, and is acting in the discharge of his
15 or her official duties, provided that the member does not carry a concealed
16 weapon while consuming alcohol or an unlawful controlled substance or while
17 alcohol or an unlawful controlled substance remains in the member's body.

18 (4) Officers of the State, or of any county, city, town, or company police agency
19 charged with the execution of the laws of the State, when acting in the
20 discharge of their official duties;

21 (4a) Any person who is a district attorney, an assistant district attorney, or an
22 investigator employed by the office of a district attorney and who has a
23 ~~concealed~~ Class A handgun permit issued in accordance with Article 54B of
24 this Chapter or considered valid under G.S. 14-415.24; provided that the
25 person shall not carry a concealed weapon at any time while in a courtroom
26 or while consuming alcohol or an unlawful controlled substance or while
27 alcohol or an unlawful controlled substance remains in the person's body. The
28 district attorney, assistant district attorney, or investigator shall secure the
29 weapon in a locked compartment when the weapon is not on the person of the
30 district attorney, assistant district attorney, or investigator. Notwithstanding
31 the provisions of this subsection, a district attorney may carry a concealed
32 weapon while in a courtroom;

33 (4b) Any person who is a qualified retired law enforcement officer as defined in
34 G.S. 14-415.10 and meets any one of the following conditions:

35 a. Is the holder of a ~~concealed~~ Class A handgun permit in accordance
36 with Article 54B of this Chapter.

37 b. Is exempt from obtaining a permit pursuant to G.S. 14-415.25.

38 c. Is certified by the North Carolina Criminal Justice Education and
39 Training Standards Commission pursuant to G.S. 14-415.26;

40 (4c) Detention personnel or correctional officers employed by the State or a unit
41 of local government who park a vehicle in a space that is authorized for their
42 use in the course of their duties may transport a firearm to the parking space
43 and store that firearm in the vehicle parked in the parking space, provided that:
44 (i) the firearm is in a closed compartment or container within the locked
45 vehicle, or (ii) the firearm is in a locked container securely affixed to the
46 vehicle;

47 (4d) Any person who is a North Carolina district court judge, North Carolina
48 superior court judge, or a North Carolina magistrate and who has a ~~concealed~~
49 Class A handgun permit issued in accordance with Article 54B of this Chapter
50 or considered valid under G.S. 14-415.24; provided that the person shall not
51 carry a concealed weapon at any time while consuming alcohol or an unlawful

- 1 controlled substance or while alcohol or an unlawful controlled substance
2 remains in the person's body. The judge or magistrate shall secure the weapon
3 in a locked compartment when the weapon is not on the person of the judge
4 or magistrate;
- 5 (4e) Any person who is serving as a clerk of court or as a register of deeds and who
6 has a ~~concealed~~ Class A handgun permit issued in accordance with Article
7 54B of this Chapter or considered valid under G.S. 14-415.24; provided that
8 the person shall not carry a concealed weapon at any time while consuming
9 alcohol or an unlawful controlled substance or while alcohol or an unlawful
10 controlled substance remains in the person's body. The clerk of court or
11 register of deeds shall secure the weapon in a locked compartment when the
12 weapon is not on the person of the clerk of court or register of deeds. This
13 subdivision does not apply to assistants, deputies, or other employees of the
14 clerk of court or register of deeds;
- 15 (5) Sworn law-enforcement officers, when off-duty, provided that an officer does
16 not carry a concealed weapon while consuming alcohol or an unlawful
17 controlled substance or while alcohol or an unlawful controlled substance
18 remains in the officer's body;
- 19 (6) State probation or parole certified officers, when off-duty, provided that an
20 officer does not carry a concealed weapon while consuming alcohol or an
21 unlawful controlled substance or while alcohol or an unlawful controlled
22 substance remains in the officer's body.
- 23 (7) A person employed by the Department of Public Safety who has been
24 designated in writing by the Secretary of the Department, who has a ~~concealed~~
25 Class A handgun permit issued in accordance with Article 54B of this Chapter
26 or considered valid under G.S. 14-415.24, and has in the person's possession
27 written proof of the designation by the Secretary of the Department, provided
28 that the person shall not carry a concealed weapon at any time while
29 consuming alcohol or an unlawful controlled substance or while alcohol or an
30 unlawful controlled substance remains in the person's body.
- 31 (8) Any person who is an administrative law judge described in Article 60 of
32 Chapter 7A of the General Statutes and who has a ~~concealed~~ Class A handgun
33 permit issued in accordance with Article 54B of this Chapter or considered
34 valid under G.S. 14-415.24, provided that the person shall not carry a
35 concealed weapon at any time while consuming alcohol or an unlawful
36 controlled substance or while alcohol or an unlawful controlled substance
37 remains in the person's body.
- 38 (9) State correctional officers, when off-duty, provided that an officer does not
39 carry a concealed weapon while consuming alcohol or an unlawful controlled
40 substance or while alcohol or an unlawful controlled substance remains in the
41 officer's body. If the concealed weapon is a handgun, the correctional officer
42 must meet the firearms training standards of the Division of Adult Correction
43 and Juvenile Justice of the Department of Public Safety.
- 44 (b1) It is a defense to a prosecution under this section that:
- 45 (1) The weapon was not a firearm;
- 46 (2) The defendant was engaged in, or on the way to or from, an activity in which
47 the defendant legitimately used the weapon;
- 48 (3) The defendant possessed the weapon for that legitimate use; and
- 49 (4) The defendant did not use or attempt to use the weapon for an illegal purpose.
- 50 The burden of proving this defense is on the defendant.
- 51 (b2) It is a defense to a prosecution under this section that:

- (1) The deadly weapon is a handgun;
- (2) The defendant is a military permittee as defined under ~~G.S. 14-415.10(2a);~~ G.S. 14-415.10(6); and
- (3) The defendant provides to the court proof of deployment as defined under ~~G.S. 14-415.10(3a);~~ G.S. 14-415.10(8).

(c) Any person violating the provisions of subsection (a) of this section shall be guilty of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the first offense and a Class H felony for a second or subsequent offense. A violation of subsection (a1) of this section punishable under G.S. 14-415.21(a) is not punishable under this section.

(d) This section does not apply to an ordinary pocket knife carried in a closed position. As used in this section, "ordinary pocket knife" means a small knife, designed for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive, or spring action."

SECTION 2.(b) G.S. 14-269.2 reads as rewritten:

"§ 14-269.2. Weapons on campus or other educational property.

(a) The following definitions apply to this section:

- (1) Educational property. – Any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.
- (1a) Employee. – A person employed by a local board of education or school whether the person is an adult or a minor.
- (1b) School. – A public or private school, community college, college, or university.
- (2) Student. – A person enrolled in a school or a person who has been suspended or expelled within the last five years from a school, whether the person is an adult or a minor.
- (3) Switchblade knife. – A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.
- (3a) Volunteer school safety resource officer. – A person who volunteers as a school safety resource officer as provided by G.S. 162-26 or G.S. 160A-288.4.
- (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this section.

(b) It shall be a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by a school. Unless the conduct is covered under some other provision of law providing greater punishment, any person who willfully discharges a firearm of any kind on educational property is guilty of a Class F felony. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(b1) It shall be a Class G felony for any person to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by a school. This subsection shall not apply to fireworks.

(c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge,

bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on educational property.

This subsection shall not apply to fireworks.

(d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property or to a curricular or extracurricular activity sponsored by a school if:

(1) The person is not a student attending school on the educational property or an employee employed by the school working on the educational property; and

(1a) The person is not a student attending a curricular or extracurricular activity sponsored by the school at which the student is enrolled or an employee attending a curricular or extracurricular activity sponsored by the school at which the employee is employed; and

(2) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.

(3) The firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack.

(4) Repealed by Session Laws 1999-211, s. 1, effective December 1, 1999, and applicable to offenses committed on or after that date.

(g) This section shall not apply to any of the following:

(1) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

(1a) A person exempted by the provisions of G.S. 14-269(b).

(2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, detention officers employed by and authorized by the sheriff to carry firearms, and any private police employed by a school, when acting in the discharge of their official duties.

(3) Home schools as defined in G.S. 115C-563(a).

(4) Weapons used for hunting purposes on the Howell Woods Nature Center property in Johnston County owned by Johnston Community College when used with the written permission of Johnston Community College or for hunting purposes on other educational property when used with the written permission of the governing body of the school that controls the educational property.

(5) A person registered under Chapter 74C of the General Statutes as an armed armored car service guard or an armed courier service guard when acting in

- 1 the discharge of the guard's duties and with the permission of the college or
2 university.
- 3 (6) A person registered under Chapter 74C of the General Statutes as an armed
4 security guard while on the premises of a hospital or health care facility
5 located on educational property when acting in the discharge of the guard's
6 duties with the permission of the college or university.
- 7 (7) A volunteer school safety resource officer providing security at a school
8 pursuant to an agreement as provided in G.S. 115C-47(61) and either
9 G.S. 162-26 or G.S. 160A-288.4, provided that the volunteer school safety
10 resource officer is acting in the discharge of the person's official duties and is
11 on the educational property of the school that the officer was assigned to by
12 the head of the appropriate local law enforcement agency.
- 13 (h) No person shall be guilty of a criminal violation of this section with regard to the
14 possession or carrying of a weapon so long as both of the following apply:
- 15 (1) The person comes into possession of a weapon by taking or receiving the
16 weapon from another person or by finding the weapon.
- 17 (2) The person delivers the weapon, directly or indirectly, as soon as practical to
18 law enforcement authorities.
- 19 (i) The provisions of this section shall not apply to an employee of an institution of higher
20 education as defined in G.S. 116-143.1 or a nonpublic post-secondary educational institution who
21 resides on the campus of the institution at which the person is employed when all of the following
22 criteria are met:
- 23 (1) The employee's residence is a detached, single-family dwelling in which only
24 the employee and the employee's immediate family reside.
- 25 (2) The institution is either:
- 26 a. An institution of higher education as defined by G.S. 116-143.1.
- 27 b. A nonpublic post-secondary educational institution that has not
28 specifically prohibited the possession of a handgun pursuant to this
29 subsection.
- 30 (3) The weapon is a handgun.
- 31 (4) The handgun is possessed in one of the following manners as appropriate:
- 32 a. If the employee has a ~~concealed~~ Class A handgun permit that is valid
33 under Article 54B of this Chapter, or who is exempt from obtaining a
34 permit pursuant to that Article, the handgun may be on the premises
35 of the employee's residence or in a closed compartment or container
36 within the employee's locked vehicle that is located in a parking area
37 of the educational property of the institution at which the person is
38 employed and resides. Except for direct transfer between the residence
39 and the vehicle, the handgun must remain at all times either on the
40 premises of the employee's residence or in the closed compartment of
41 the employee's locked vehicle. The employee may unlock the vehicle
42 to enter or exit, but must lock the vehicle immediately following the
43 entrance or exit if the handgun is in the vehicle.
- 44 b. If the employee is not authorized to carry a concealed handgun
45 pursuant to Article 54B of this Chapter, the handgun may be on the
46 premises of the employee's residence, and may only be in the
47 employee's vehicle when the vehicle is occupied by the employee and
48 the employee is immediately leaving the campus or is driving directly
49 to their residence from off campus. The employee may possess the
50 handgun on the employee's person outside the premises of the
51 employee's residence when making a direct transfer of the handgun

1 from the residence to the employee's vehicle when the employee is
2 immediately leaving the campus or from the employee's vehicle to the
3 residence when the employee is arriving at the residence from off
4 campus.

5 (j) The provisions of this section shall not apply to an employee of a public or nonpublic
6 school who resides on the campus of the school at which the person is employed when all of the
7 following criteria are met:

8 (1) The employee's residence is a detached, single-family dwelling in which only
9 the employee and the employee's immediate family reside.

10 (2) The school is either:

11 a. A public school which provides residential housing for enrolled
12 students.

13 b. A nonpublic school which provides residential housing for enrolled
14 students and has not specifically prohibited the possession of a
15 handgun pursuant to this subsection.

16 (3) The weapon is a handgun.

17 (4) The handgun is possessed in one of the following manners as appropriate:

18 a. If the employee has a ~~concealed~~ Class A handgun permit that is valid
19 under Article 54B of this Chapter, or who is exempt from obtaining a
20 permit pursuant to that Article, the handgun may be on the premises
21 of the employee's residence or in a closed compartment or container
22 within the employee's locked vehicle that is located in a parking area
23 of the educational property of the school at which the person is
24 employed and resides. Except for direct transfer between the residence
25 and the vehicle, the handgun must remain at all times either on the
26 premises of the employee's residence or in the closed compartment of
27 the employee's locked vehicle. The employee may unlock the vehicle
28 to enter or exit, but must lock the vehicle immediately following the
29 entrance or exit if the handgun is in the vehicle.

30 b. If the employee is not authorized to carry a concealed handgun
31 pursuant to Article 54B of this Chapter, the handgun may be on the
32 premises of the employee's residence, and may only be in the
33 employee's vehicle when the vehicle is occupied by the employee and
34 the employee is immediately leaving the campus or is driving directly
35 to their residence from off campus. The employee may possess the
36 handgun on the employee's person outside the premises of the
37 employee's residence when making a direct transfer of the handgun
38 from the residence to the employee's vehicle when the employee is
39 immediately leaving the campus or from the employee's vehicle to the
40 residence when the employee is arriving at the residence from off
41 campus.

42 (k) The provisions of this section shall not apply to a person who has a ~~concealed~~ Class
43 A handgun permit that is valid under Article 54B of this Chapter, or who is exempt from
44 obtaining a permit pursuant to that Article, if any of the following conditions are met:

45 (1) The person has a handgun in a closed compartment or container within the
46 person's locked vehicle or in a locked container securely affixed to the person's
47 vehicle and only unlocks the vehicle to enter or exit the vehicle while the
48 firearm remains in the closed compartment at all times and immediately locks
49 the vehicle following the entrance or exit.

(2) The person has a handgun concealed on the person and the person remains in the locked vehicle and only unlocks the vehicle to allow the entrance or exit of another person.

(3) The person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to do either of the following:

a. Move the handgun from concealment on the person to a closed compartment or container within the vehicle.

b. Move the handgun from within a closed compartment or container within the vehicle to concealment on the person.

(l) It is an affirmative defense to a prosecution under subsection (b) or (f) of this section that the person was authorized to have a concealed handgun in a locked vehicle pursuant to subsection (k) of this section and removed the handgun from the vehicle only in response to a threatening situation in which deadly force was justified pursuant to G.S. 14-51.3."

SECTION 2.(c) G.S. 14-269.3 reads as rewritten:

"§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed.

(a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any assembly where a fee has been charged for admission thereto, or into any establishment in which alcoholic beverages are sold and consumed. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(b) This section shall not apply to any of the following:

(1) A person exempted from the provisions of G.S. 14-269.

(2) The owner or lessee of the premises or business establishment.

(3) A person participating in the event, if the person is carrying a gun, rifle, or pistol with the permission of the owner, lessee, or person or organization sponsoring the event.

(4) A person registered or hired as a security guard by the owner, lessee, or person or organization sponsoring the event.

(5) A person carrying a handgun if the person has a valid ~~concealed~~-Class A handgun permit issued in accordance with Article 54B of this Chapter, has a concealed handgun permit considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S. 14-415.25. This subdivision shall not be construed to permit a person to carry a handgun on any premises where the person in legal possession or control of the premises has posted a conspicuous notice prohibiting the carrying of a concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

SECTION 2.(d) G.S. 14-269.4 reads as rewritten:

"§ 14-269.4. Weapons on certain State property and in courthouses.

(a) It shall be unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings, and in any building housing any court of the General Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the court, then this prohibition shall apply only to that portion of the building used for court purposes while the building is being used for court purposes.

(b) This section shall not apply to any of the following:

(1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997.

(1a) A person exempted by the provisions of G.S. 14-269(b).

(2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,

- 1 (4a) Any person in a building housing a court of the General Court of Justice in
2 possession of a weapon for evidentiary purposes, to deliver it to a
3 law-enforcement agency, or for purposes of registration.
- 4 (4b) Any district court judge or superior court judge who carries or possesses a
5 concealed handgun in a building housing a court of the General Court of
6 Justice if the judge is in the building to discharge his or her official duties and
7 the judge has a ~~concealed~~ Class A handgun permit issued in accordance with
8 Article 54B of this Chapter or considered valid under G.S. 14-415.24.
- 9 (4c) Firearms in a courthouse, carried by detention officers employed by and
10 authorized by the sheriff to carry firearms.
- 11 (4d) Any magistrate who carries or possesses a concealed handgun in any portion
12 of a building housing a court of the General Court of Justice other than a
13 courtroom itself unless the magistrate is presiding in that courtroom, if the
14 magistrate (i) is in the building to discharge the magistrate's official duties,
15 (ii) has a ~~concealed~~ Class A handgun permit issued in accordance with Article
16 54B of this Chapter or considered valid under G.S. 14-415.24, (iii) has
17 successfully completed a one-time weapons retention training substantially
18 similar to that provided to certified law enforcement officers in North
19 Carolina, and (iv) secures the weapon in a locked compartment when the
20 weapon is not on the magistrate's person.
- 21 (5) State-owned rest areas, rest stops along the highways, and State-owned
22 hunting and fishing reservations.
- 23 (6) A person with a Class A handgun permit issued in accordance with Article
24 54B of this Chapter, with a permit considered valid under G.S. 14-415.24, or
25 who is exempt from obtaining a permit pursuant to G.S. 14-415.25, who has
26 a firearm in a closed compartment or container within the person's locked
27 vehicle or in a locked container securely affixed to the person's vehicle. A
28 person may unlock the vehicle to enter or exit the vehicle provided the firearm
29 remains in the closed compartment at all times and the vehicle is locked
30 immediately following the entrance or exit.
- 31 (7) Any person who carries or possesses an ordinary pocket knife, as defined in
32 G.S. 14-269(d), carried in a closed position into the State Capitol Building or
33 on the grounds of the State Capitol Building.

34 (c) Any person violating the provisions of this section shall be guilty of a Class 1
35 misdemeanor."

36 **SECTION 2.(e)** G.S. 14-277.2 reads as rewritten:

37 **"§ 14-277.2. Weapons at parades, etc., prohibited.**

38 (a) It shall be unlawful for any person participating in, affiliated with, or present as a
39 spectator at any parade, funeral procession, picket line, or demonstration upon any private health
40 care facility or upon any public place owned or under the control of the State or any of its political
41 subdivisions to willfully or intentionally possess or have immediate access to any dangerous
42 weapon. Violation of this subsection shall be a Class 1 misdemeanor. It shall be presumed that
43 any rifle or gun carried on a rack in a pickup truck at a holiday parade or in a funeral procession
44 does not violate the terms of this act.

45 (b) For the purposes of this section the term "dangerous weapon" shall include those
46 weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or 14-288.8 or any other object capable
47 of inflicting serious bodily injury or death when used as a weapon.

48 (c) The provisions of this section shall not apply to a person exempted by the provisions
49 of G.S. 14-269(b) or to persons authorized by State or federal law to carry dangerous weapons
50 in the performance of their duties or to any person who obtains a permit to carry a dangerous
51 weapon at a parade, funeral procession, picket line, or demonstration from the sheriff or police

chief, whichever is appropriate, of the locality where such parade, funeral procession, picket line, or demonstration is to take place.

(d) The provisions of this section shall not apply to concealed carry of a handgun at a parade or funeral procession by a person with a valid ~~permit~~ Class A handgun permit issued in accordance with Article 54B of this Chapter, with a permit considered valid under G.S. 14-415.24, or who is exempt from obtaining a permit pursuant to G.S. 14-415.25. This subsection shall not be construed to permit a person to carry a concealed handgun on any premises where the person in legal possession or control of the premises has posted a conspicuous notice prohibiting the carrying of a concealed handgun on the premises in accordance with G.S. 14-415.11(c)."

SECTION 2.(f) G.S. 14-106.503.2 reads as rewritten:

"§ 106-503.2. Regulation of firearms at State Fair.

(a) Except as otherwise provided in this section, the Commissioner of Agriculture is authorized to prohibit the carrying of firearms in any manner on the State Fairgrounds during the period of time each year that the State Fair is conducted.

(b) Notwithstanding subsection (a) of this section, any prohibition under this section shall not apply to the following persons:

(1) Any person exempted by G.S. 14-269(b)(1), (2), (3), (4), or (5).

(2) Any person who has a ~~concealed~~ Class A handgun permit that is valid under Article 54B of this Chapter [Chapter 14 of the General Statutes], or who is exempt from obtaining a permit pursuant to that Article, who has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit."

SECTION 2.(g) G.S. 17C-6(16) reads as rewritten:

"(16) Establish standards and guidelines for the annual firearms certification of qualified retired law enforcement officers, as defined in ~~G.S. 14-415.10(4b)~~, G.S. 14-415.10(11), to efficiently implement the provisions of G.S. 14-415.25. The standards shall provide for the courses, qualifications, and the issuance of the annual firearms qualification certification. The Commission may adopt any rules necessary to effect the provisions of this section, and may charge a reasonable fee to applicants for the costs incurred in compliance with this subdivision."

PART III. EXISTING PERMITS.

SECTION 3. A valid concealed handgun permit issued before the effective date of this act shall remain valid throughout the State, and shall be considered a Class A handgun permit until the permit expires or is revoked. A valid pistol purchase permit issued before the effective date of this act shall remain valid throughout the State, and shall be considered a Class B handgun permit until the permit expires or is revoked.

PART IV. APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY

SECTION 4. There is appropriated from the General Fund to the State Bureau of Investigation the sum of six million three hundred thousand dollars (\$6,300,000) in recurring funds for the costs of conducting State and federal criminal record checks performed in connection with processing applications under this Article.

PART V. EFFECTIVE DATE

SECTION 5. Parts I and II of this act are effective December 1, 2019, and apply to permits issued, and offenses committed, on or after that date. Part III of this act is effective December 1, 2019. Part IV of this act is effective July 1, 2019. The remainder of this act is effective when it becomes law.